

## **REMARKS/ARGUMENTS**

### **Amendments to the Specification**

In this Office Action, Examiner objected to the specification for failing to provide proper antecedent basis for the claimed subject matter and suggested Applicants make several amendments to the specification to correct this failure. As instructed, Applicants have amended the specification without introducing new matter into the application.

### **Amendments to the Claims**

Examiner rejected claims 1-5, 8, and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended the claims per Examiner's comments without departing from the scope of the original disclosure and without introducing new matter.

In addition, Applicants have also taken this opportunity to make other amendments to claims 1, 3, 4, 5, 8, 9, and 11 to improve the clarity of the claims without departing from the scope of the original disclosure and without introducing new matter.

### **Claim Rejections under 35 U.S.C. § 102(b)**

Examiner rejected claims 1-2, 5-6 and 8 under 35 U.S.C. § 102(b) as being anticipated by Linnerz (U.S. Patent 5,213,273) (hereinafter "*Linnerz*"). Applicants respectfully assert that independent claims 1 and 6 are allowable over *Linnerz*, and subsequently dependent claims 2, 5, and 8 also are allowable. Therefore, Applicants traverse Examiner's said rejections.

With respect to independent claim 1, as amended, *Linnerz* does not teach or show a materials reduction apparatus comprising, among other things, a pivotal resist member adapted to provide a resistance to pivotal movement while permitting pivotal movement and thus providing bypass of materials in response to a determined releasing force generated by reduction-resistant material, wherein the resistance when the anvil and screen are in the closed position is *different* from the resistance when the

anvil and screen are pivoted away from the projections, the pivotal resist member further adapted to allow the screen and anvil to reestablish the closed position.

In contrast, *Linnerz* is directed to a hammer mill having a swing grid 29 mounted on pivot axes 36,37 with lever arms 39, 41 engaging a hydraulic cylinder 42. See *Linnerz*, figure 1. Such a hydraulic cylinder will not provide a resistance when the anvil and screen are in the closed position that is *different* from the resistance when the anvil and screen are pivoted away from the projections. Rather, *Linnerz*' hydraulic cylinder is preset to resist a specific amount of force, the pressure-relief valve ensuring pressure does not exceed that preset force. See *Linnerz*, column 3, lines 41-49. Thus, the hydraulic cylinder and pressure-relief valve as taught in *Linnerz* necessarily maintains a constant resistance.

Because, *Linnerz* fails to teach each and every element, claim 1 is patentable over *Linnerz*. As Claims 2 and 5 depend from claim 1, Applicants respectfully submit that claims 2 and 5 also are patentable over *Linnerz*.

With respect to Claim 6, *Linnerz* fails to teach or disclose, among other things, a compression member coupled to the shaft, the compression member adapted to *allow limited linear movement of the shaft*. As discussed above, *Linnerz* simply teaches using a hydraulic cylinder to resist *pivotal movement* of a screen and anvil. There is no teaching or suggestion of allowing linear movement of the shaft.

As *Linnerz* fails to teach every limitation of claim 6, Applicants submit that claim 6 is patentable over *Linnerz*. Likewise, as Claim 8 depends from claim 6, Applicants respectfully submit that claim 8 also is patentable over *Linnerz*.

#### Claim Rejections under 35 U.S.C. § 103(a)

Examiner rejected claims 7 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over *Linnerz* in view of Williams, Jr. et al (U.S. Patent 5,743,472) (hereinafter "*Williams*"). Applicants respectfully traverse the rejections because Examiner has failed to establish a *prima facie* case for obviousness because, at a minimum, the combined references fail to teach or suggest all of Applicants' claim limitations. Therefore, Applicants believe that because independent claims 6 and 9 are

allowable, claims 7, 10, and 11, which depend on one of claims 6 and 9, must also be allowable.

With respect to claims 6 and 7, *Linnerz* fails to teach or suggest all of Applicants' claim limitations. As discussed above, *Linnerz* fails to teach an apparatus comprising, among other things, a compression member coupled to a shaft, the compression member adapted to allow limited linear movement of the shaft. Thus, *Linnerz* fails to teach every limitation of claim 6. Claim 7 contains the same elements as that of claim 6 and thus, for at least the same reason, claim 7 is patentable over *Linnerz*.

*Williams* fails to remedy the above noted deficiency of *Linnerz*. Specifically, *Williams* also does not teach or disclose an apparatus comprising, among other things, a compression member coupled to a shaft, the compression member adapted to allow limited linear movement of the shaft. Because *Williams* fails to remedy *Linnerz*' deficiency, both references in combination fail to teach or suggest all limitations of independent claim 6 and dependent claim 7, and thus those claims are patentable over *Linnerz* and *Williams*.

With respect to claims 9-11, *Linnerz* fails to teach or suggest, among other things, a shear pin coupled to a shaft and adapted to shear when a reduction resistant material causes linear movement of the shaft. As set forth above, *Linnerz* does not teach anything about linear movement of the shaft, nor does it teach an apparatus comprising a shear pin.

Likewise, *Williams* fails to remedy *Linnerz*' deficiency, as *Williams* does not disclose an apparatus comprising a shear pin coupled to a shaft and adapted to shear when a reduction resistant material causes linear movement of the shaft. Although *Williams* discloses an apparatus comprising a shear pin, said shear pin cannot be said to be adapted to shear when a reduction resistant material causes linear movement of a shaft. As *Williams* fails to remedy *Linnerz*' deficiency, both references in combination fail to teach or suggest all limitations of independent claim 9, and thus claim 9 is patentable over *Williams* and *Linnerz*. Similarly, because claims 10-11 depend from Claim 9, those claims are also patentable over *Linnerz* in view of *Williams*.

For at least the foregoing reasons, Applicants respectfully request allowance of claims 6-7 and 9-11

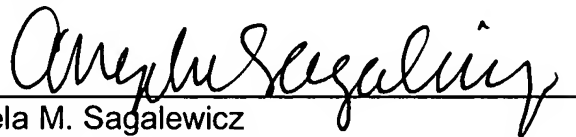
**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that all claims are in condition of allowance. Thus, entry of the offered amendments and early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
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